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LOK SABHA

The following Bills were introduced in Lok Sabha on the 12th December, 1958:—

*BILL NO. 130 OF 1958

A Bill further to amend the Cinematograph Act, 1952.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

1. This Act may be called the Cinematograph (Amendment) Act, Short title. 1958.

37 of 1952. 5 . 2. In section 1 of the Cinematograph Act, 1952 (hereinafter referred to as the principal Act), in sub-section (2), for the words and letter "Part C States". the words "the Union territories" shall be substituted. Amendment of section 1.

3. In section 2 of the principal Act, after clause (d), the following clause shall be inserted, namely:— Amendment of section 2.

“(dd) “film” means a cinematograph film;”.

4. For sections 3, 4, 5 and 6 of the principal Act, the following sections shall be substituted, namely:— Substitution of new sections for sections 3, 4, 5 and 6.

15 “3. (1) For the purpose of sanctioning films for public exhibition, the Central Government may, by notification in the Official Gazette, constitute a Board to be called the Board of Board of Film Censors.

*The President has, in pursuance of clause (3) of article 117 of the Constitution of India, recommended to Lok Sabha the consideration of the Bill.

Film Censors which shall consist of a Chairman and not more than nine other members appointed by the Central Government.

(2) The Chairman of the Board shall receive such salary and allowances as may be determined by the Central Government, and the other members shall receive such allowances or fees for attending the meetings of the Board as may be prescribed. 5

(3) The other terms and conditions of service of the members of the Board shall be such as may be prescribed. 10

Examination
of films.

4. (1) Any person desiring to exhibit any film shall in the prescribed manner make an application to the Board for a certificate in respect thereof, and the Board may, after examining or having the film examined in the prescribed manner,—

(i) sanction the film for unrestricted public exhibition; 15
or

(ii) sanction the film for public exhibition restricted to adults; or

(iii) direct the applicant to carry out such excisions or modifications in the film as it thinks necessary before 20 sanctioning the film for unrestricted public exhibition or for public exhibition restricted to adults, as the case may be; or

(iv) refuse to sanction the film for public exhibition.

(2) No action under clause (ii), clause (iii) or clause (iv) 25 of sub-section (1) shall be taken by the Board except after giving an opportunity to the applicant for representing his views in the matter.

Advisory
panels.

5. (1) For the purpose of enabling the Board to efficiently discharge its functions under this Act, the Central Government 30 may establish at such regional centres as it thinks fit, advisory panels each of which shall consist of such number of persons, being persons qualified in the opinion of the Central Government to judge the effect of films on the public, as the Central Government may think fit to appoint thereto. 35

(2) At each regional centre there shall be as many regional officers as the Central Government may think fit to appoint, and rules made in this behalf may provide for the association of regional officers in the examination of films.

(3) The Board may consult in such manner as may be 40 prescribed any advisory panel in respect of any film for which an application for a certificate has been made.

(4) It shall be the duty of every such advisory panel whether acting as a body or in committees as may be provided in the rules made in this behalf to examine the film and to make such recommendations to the Board as it thinks fit.

5 (5) The members of the advisory panel shall not be entitled to any salary but shall receive such fees or allowances as may be prescribed.

10 5A. (1) If, after examining a film or having it examined in the manner provided in this Act, the Board considers that the film is suitable for unrestricted public exhibition or that, although not suitable for such exhibition, it is suitable for public exhibition restricted to adults, it shall grant to the person applying for a certificate in respect of a film a "U" certificate in the former case and an "A" certificate in the latter case, and shall in either case
15 cause the film to be so marked in the prescribed manner.

Certification
of films.

(2) A certificate granted or an order refusing to grant a certificate in respect of any film shall be published in the Gazette of India.

20 (3) Subject to the other provisions contained in this Act, a certificate granted by the Board under this section shall be valid throughout India for a period of ten years.

25 5B. (1) A film shall not be certified for public exhibition if, in the opinion of the authority competent to grant the certificate, the film or any part of it is against the interests of the security of the State, friendly relations with foreign States, Police order, decency or morality, or involves defamation or contempt of court or is likely to incite the commission of any offence.

Principles
for guidance
in certifying
films.

30 (2) Subject to the provisions contained in sub-section (1), the Central Government may issue such directions as it may think fit setting out the principles which shall guide the authority competent to grant certificates under this Act in sanctioning films for public exhibition.

5C. Any person applying for a certificate in respect of a film who is aggrieved by any order of the Board—

Appeals.

35 (a) refusing to grant a certificate; or

(b) granting only an "A" certificate; or

(c) directing the applicant to carry out any excisions or modifications;

40 may, within thirty days from the date of such order, appeal to the Central Government, and the Central Government may, after such inquiry into the matter as it considers necessary and

after giving the appellant an opportunity for representing his views in the matter, make such order in relation thereto as it thinks fit.

Revisional
powers of
the Central
Government.

6. (1) Notwithstanding anything contained in this Part, the Central Government may at any stage call for the record of any proceeding in relation to any film which is pending before, or has been decided by, the Board, and after such inquiry into the matter as it considers necessary, make such order in relation thereto as it thinks fit, and the Board shall dispose of the matter in conformity with such order: 5 10

Provided that no such order shall be made prejudicially affecting any person applying for a certificate or to whom a certificate has been granted, as the case may be, except after giving him an opportunity for representing his views in the matter. 15

(2) Without prejudice to the powers conferred on it under sub-section (1), the Central Government may, by notification in the Official Gazette, direct that—

(a) a film which has been granted a certificate shall be deemed to be an uncertified film in the whole or any part of India; or 20

(b) a film which has been granted a "U" certificate shall be deemed to be a film in respect of which an "A" certificate has been granted; or

(c) the exhibition of any film be suspended for such period as may be specified in the direction: 25

Provided that no direction issued under clause (c) shall remain in force for more than two months from the date of the notification.

(3) No action shall be taken under clause (a) or clause (b) of sub-section (2) except after giving an opportunity to the person concerned for representing his views in the matter. 30

(4) During the period in which a film remains suspended under clause (c) of sub-section (2), the film shall be deemed to be an uncertified film." 35

Insertion of
new sections
7A, 7B, etc.
Power of
seizure.

5. After section 7 of the principal Act, the following sections shall be inserted, namely:—

"7A. (1) Where a film in respect of which no certificate has been granted under this Act is exhibited, or a film certified as suitable for public exhibition restricted to adults is exhibited to any person who is not an adult or a film is exhibited in contravention of any of the other provisions contained in this Act or of 40

any order made by the Central Government or the Board in the exercise of any of the powers conferred on it, any police officer may, in pursuance of an order made in this behalf by the district magistrate or by any magistrate of the first class empowered in this behalf by the district magistrate, enter any place in which he has reason to believe that the film has been or is being or is likely to be exhibited, search it and seize the film.

(2) All searches under this Act shall be carried out in accordance with the provisions of the Code of Criminal Procedure, 1898, relating to searches.

7B. The Central Government may, by general or special order, direct that any power, authority or jurisdiction exercisable by the Board under this Act shall, in relation to such matters and subject to such conditions, if any, as may be specified in the order, be exercisable also by the Chairman or any other member of the Board, and anything done or action taken by the Chairman or other member specified in the order shall be deemed to be a thing done or action taken by the Board.

Delegation of powers by Board.

7C. For the purpose of exercising any of the powers conferred on it by this Act, the Central Government or the Board may require any film to be exhibited before it or before any person specified by it in this behalf.

Power to direct exhibition of films for examination.

7D. No act or proceeding of the Board or of any advisory panel shall be deemed to be invalid by reason only of a vacancy in, or any defect in, the constitution of the Board or panel, as the case may be.

Vacancies, etc., not to invalidate proceeding.

7E. All members of the Board and of any advisory panel shall, when acting or purporting to act in pursuance of any of the provisions of this Act, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Members of the Board and advisory panels to be public servants.

7F. No suit or other legal proceeding shall lie against the Central Government, the Board, advisory panel or any officer or member of the Central Government, Board or advisory panel, as the case may be, in respect of anything which is in good faith done or intended to be done under this Act."

Bar of legal proceedings.

6. For sub-section (3) of section 8 of the principal Act, the following sub-section shall be substituted, namely:—

Amendment of section 8.

"(3) All rules made by the Central Government under this Part shall be laid for not less than thirty days before each House of Parliament as soon as may be after they are made, and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following."

STATEMENT OF OBJECTS AND REASONS

As a result of the experience gained in the working of the Cinematograph Act, 1952, for the last six years, it is considered necessary to make certain changes in its provisions for clarification, without making any substantial change in the working of the present Act.

Section 3 of the Cinematograph Act, 1952, empowers the Central Government to constitute a Board of Film Censors consisting of such number of persons as may be prescribed for the purpose of examining and certifying films as suitable for public exhibition. The films are examined by the regional officers with the aid of the advisory panels consisting of non-officials. The composition of the Board, the constitution of the advisory panels and the procedure for examination of films by the regional officers with the aid of the advisory panels are at present laid down in the Rules. The Bill makes express provisions in this behalf in the principal Act. It also incorporates the principles for guidance in certifying films, based on the provisions of article 19(2) of the Constitution. In addition, the Bill makes provision for certain matters of a procedural and routine character.

NEW DELHI;

The 8th December, 1958.

B. V. KESKAR.

FINANCIAL MEMORANDUM

The Bill seeks to include express provisions in the principal Act, respecting the composition of the Board of Film Censors and the constitution of advisory panels to enable the Board to perform its functions of sanctioning films for public exhibition. As at present the Chairman will continue to be a wholetime official and the members will be non-officials, working part-time in an honorary capacity. They will be paid travelling allowance only for attending meetings in connection with the work of the Board. The advisory panels have been constituted at present at Bombay, Calcutta and Madras under the Rules framed under the Act. Their membership is also honorary, but conveyance allowance at the rate of Rs. 10/- per diem is paid to them for attending film shows or meetings convened by regional officers in connection with the examination of films. The annual expenditure on the salary of the Chairman, the travelling allowance of the members of the Board and conveyance allowance of the members of the advisory panels is estimated at Rs. 90,000/-. The expenditure on these items is already being incurred through appropriations made by Parliament, and no additional expenditure is anticipated.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill provides for the determination by the Central Government of the salary and allowances payable to the Chairman and the fees or allowances to the other members of the Board of Film Censors and to the members of the advisory panels. It also provides for determination of other terms and conditions of service of the members of the Board and the advisory panels. It empowers the Central Government to prescribe the manner in which applications shall be made to the Board for certification of films. The rule making power already conferred by section 8 of the Act is sufficiently comprehensive to enable all such matters being regulated by rules. All that the amending Bill seeks to do is to refer to these topics in the body of the Act in appropriate places. The rule making power is of a normal character.

*BILL No. 129 OF 1958

A Bill further to amend the Foreign Exchange Regulation Act, 1947.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

1. This Act may be called the Foreign Exchange Regulation Short title.
(Amendment) Act, 1958.

7 of 1947. 5 2. For section 13A of the Foreign Exchange Regulation Act, 1947, the following section shall be substituted, namely:— Substitution of new section for section 13 A.

18 of 1944. 10 “13A. Notwithstanding anything contained in any other law or in any contract, agreement or other instrument, the holder of any Government security, as defined in the Public Debt Act, 1944, created and issued for the purpose of raising a public loan before the 15th day of August, 1947, in respect of which the principal or interest or both are for the time being payable outside India in any country or place notified in this behalf by the Central Government shall not be entitled, except with the general or special permission of the Reserve Bank, to have any such payment made at any place in India. Restrictions on payment in respect of certain securities.

Explanation.—In this section, “holder” shall have the same meaning as in clause (a) of sub-section (5) of section 13.”

*The President has, in pursuance of clause (1) of article 117 of the Constitution of India, recommended to Lok Sabha the introduction of the Bill.

STATEMENT OF OBJECTS AND REASONS

Section 13A of the Foreign Exchange Regulation Act as it now stands empowers Government to prohibit the holder of a notified security payable outside India in a notified country from having the payment of such security made in India without the permission of the Reserve Bank. The intention was only to empower the Government of India to regulate the transfer of Government of India securities issued prior to 15th August, 1947, so that they could not be transferred to India for payment of interest and principal in India except with the consent of the Government of India. Section 13A was, however, couched in very general terms and it has been pointed out that it is open to Government under the powers vested in them by this section to notify at any time that repayment of a loan made by a foreign investor to an Indian company would not be permitted even in India without the specific approval of the Reserve Bank. This might create some misapprehension among foreign investors and it is desirable to remove such misapprehension. It is accordingly proposed to amend this section by limiting its applicability specifically to "Government Securities" as defined in the Public Debt Act, 1944, relating to the loans floated before the 15th August, 1947, and payable outside India in any country or place notified in this behalf by the Central Government.

The Bill seeks to achieve this object

NEW DELHI;
The 3rd December 1958

MORARJI DESAI.

BILL No. 111 OF 1958

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 19 . Short title
and com-
mencement.

5 (2) It shall come into force at once.

2. In article 136 of the Constitution, after clause (2) the following clause shall be inserted, namely:— Amendment
of article
136.

10 “(3) Nothing in clause (1) shall apply to any judgement, decree, determination or order passed or made by any court or tribunal constituted by or under any law relating to election to either House of Parliament or to the House or either House of the Legislature of a State save as provided for by or under any law made by the appropriate Legislature in this respect.”

15 3. In article 226 of the Constitution, after clause (2) the following clause shall be inserted, namely:— Amendment
of article
226.

20 “(3) Nothing in this article shall be deemed to confer on a High Court powers to issue to any authority as may be provided under sub-clause (b) of article 329 any directions, orders or writs, including writs in the nature of *habeas corpus*, *mandamus*, prohibition, *quo warranto* and *certiorari* or any of them for the enforcement of any rights other than the rights conferred by Part III save as provided for by or under any law made by the appropriate Legislature in this respect.”

Amendment
of article
227.

4. In article 227 of the Constitution, after clause (4) the following clause shall be inserted, namely:—

“(5) Nothing in this article shall be deemed to confer on a High Court powers of superintendence over any court or tribunal constituted by or under any law relating to election to either House of Parliament or to the House or either House of Legislature of a State save as provided for by or under any law made by the appropriate Legislature in this respect.”

Amendment
of article
228.

5. In article 228 the following proviso shall be added, namely —

“Provided that nothing in this article shall be deemed to confer on a High Court powers to withdraw any case from any authority as may be provided under sub-clause (b) of article 329 save as provided for by or under any law made by the appropriate Legislature.”

Amendment
of article
329.

6. In article 329 of the Constitution, after sub-clause (b) the following sub-clause shall be added, namely:—

“(c) No court shall entertain any appeal, revision, writ application or other proceeding of any nature whatsoever against any order passed by any such authority as may be provided under sub-clause (b) of this article save as provided for by or under any law made by the appropriate Legislature.”

STATEMENT OF OBJECTS AND REASONS

The scheme of Part XV of the Constitution was framed with the intention that electoral matters should not be questioned in any court and that the election to either House of Parliament or to the either House of the Legislature of a State shall not be called in question except by an election petition presented to such authority and in such manner as may be provided for by or under any law made by the appropriate Legislature.

It is the sole right of the Legislature to examine and determine all matters relating to the election of its own members and it was with this idea and under the scheme of Part XV of the Constitution that the Representation of the People Act, 1951 made elaborate provisions about the constitution of Election Tribunals to deal with election cases. In the original Act there was no provision of any appeal against the order of the Tribunal. Decisions of Election Tribunals were declared to be final and conclusive.

But the High Courts under other provisions of articles 226, 227 and 228 and the Supreme Court under the provisions of articles 132 and 136 entertained appeal, revision, writ application or other proceedings against the order of the Election Tribunals.

All these have led not only to undue delay in disposal of election disputes, but the intention of the Constitution makers in providing special authority for the speedy trial of election petition and thus excluding the jurisdiction of courts in electoral matters, has not met with success.

The Bill is intended to exclude the jurisdiction of High Courts and the Supreme Court in election disputes save as provided for by or under any law made by the appropriate Legislature.

NEW DELHI;
The 20th September, 1958.

SHREE NARAYAN DAS.

BILL NO. 101 OF 1958

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

Short title
and com-
mencement,

1. (1) This Act may be called the Constitution (Amendment) Act, 19 .

(2) It shall come into force at once.

5

Amendment
of the Pre-
amble,

2. In the Preamble after the word 'SOVEREIGN' the word 'SOCIALIST' shall be inserted.

Substitution
of article 38.

3. For article 38, the following article shall be substituted:

"38. The primary function of the State shall be to promote the welfare of the people by securing and protecting effectively ¹⁰ a co-operative endeavour of socialist order of society, based upon rapidly expanding industrialisation in conformity with advancing science and technology in which justice, social, economic and political, shall inform all the institutions of the national life."

15

STATEMENT OF OBJECTS AND REASONS

The First Five Year Plan laid the foundation for achieving a socialist pattern of society. The Second Plan has also laid emphasis on the same objective.

Thus the objective of a socialist pattern of society is now the acknowledged goal of India's economic policy.

It is therefore imperative that this objective should find clear mention in our Constitution.

Hence this Bill.

RAJENDRA SINGH.

NEW DELHI;
The 25th August, 1958.

BILL NO. 122 OF 1958

A Bill further to amend the Minimum Wages, Act, 1948.

BE it enacted by Parliament in Ninth Year of the Republic of India as follows:

Short title
and com-
mencement.

1. (1) This Act may be called the Minimum Wages (Amendment) Act, 1958.

(2) It shall come into force at once.

5

Amendment
of the Sched-
ule.

2. In part I of the schedule to the Minimum Wages Act, 1948, 11 of 1948.
the following new items shall be added at the end, namely:—

“13. Employment in any cotton ginning and pressing mill

14. Employment in any brick kiln.”

STATEMENT OF OBJECTS AND REASONS

Under the present Act, no minimum wages have been fixed for the employees who are working in cotton ginning and pressing mills and are manufacturing bricks or working in brick kilns. These employees are paid very low wages.

The purpose of the present Bill is to fix minimum wages for these employees also.

NEW DELHI;

The 23rd October, 1958.

RAM KRISHAN.

BILL No. 124 OF 1958

A Bill further to amend the Commissions of Inquiry Act, 1952.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

Short title
and com-
mencement.

1. (a) This Act may be called the Commissions of Inquiry (Amendment) Act, 1958.

(b) It shall come into force at once.

5

Amendment
of section 8.

2. (1) In section 8 of the Commissions of Inquiry Act, 1952 the words "and deciding whether to sit in public or in private" shall be omitted.

10 of 1952.

(2) Section 8 so amended shall be re-numbered as sub-section (1) of section 8 thereof, and after sub-section (1) so renumbered, the following sub-sections (2) and (3) shall be inserted, namely,—

"(2) The Commission shall sit in public.

(3) Any person may apply to the Commission for appearing before it, giving evidence and presenting any document."

STATEMENT OF OBJECTS AND REASONS

Under the present Act it is not binding upon the Commission to sit in public. Moreover there is no provision allowing any person to appear before the Commission. It is just possible that all the facts may not be brought to the notice of the Commission, as it is impossible for the Commission to know all the persons who can help the Commission in investigation.

The purpose of the present Bill is to incorporate such provisions in the Act, so that the enquiry may be held in public and any person may apply to the Commission for appearing before it and presenting any documents.

NEW DELHI;
The 23rd October, 1958

RAM KRISHAN.

BILL No. 120 OF 1958.

A Bill further to amend the Industrial Disputes Act, 1947.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

Short title
and com-
mencement.

1 (1) This Act may be called The Industrial Disputes (Amendment) Act, 1958.

(2) It shall come into force at once.

5

Amendment
of section 15.

2. In section 15 of the Industrial Disputes Act, 1947, for the words "as soon as it is practicable on the conclusion thereof", the words "ordinarily within a period of six months from the commencement of its proceedings," shall be substituted.

XIV of 1947.

STATEMENT OF OBJECTS AND REASONS

Under the present Act no time limit has been fixed for the Tribunals or Labour Courts to complete proceedings and to submit their awards. Sometimes they take too long with the result that the workers have to suffer.

The purpose of the present Bill is to fix the period within which the proceeding should be completed and awards submitted.

NEW DELHI;

RAM KRISHAN.

The 23rd October, 1958.

M. N. KAUL,
Secretary.

